

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS**

**TYLER DIVISION**

**DATE:** October 20, 2011

**JUDGE**  
LEONARD DAVIS

**COURT REPORTER**  
Shea Sloan

Law Clerks: Allan Bullwinkel

<b>SOVERAIN SOFTWARE LLC</b>  <b>vs.</b>  <b>J.C. PENNEY CORPORATION, INC., et al</b>	<b>CIVIL ACTION NO: 6:09-CV-274</b> <b>PRETRIAL CONFERENCE</b>
---	---

<b>ATTORNEYS FOR PLAINTIFF</b>	<b>ATTORNEYs FOR DEFENDANTS</b>
--------------------------------	---------------------------------

SEE SIGN IN SHEETS

On this day, came the parties by their attorneys and the following proceedings were had:

**OPEN:** 9:00 am

**ADJOURN:** 10:20 am

<b>TIME:</b>	<b>MINUTES:</b>
9:00 am	Case Called. Parties announced ready. (See Sign-in Sheets)
	Judge inquired as to settlement agreement. Mr. Nelson and Mr. McSwane addressed the court.
	Side conference with counsel re: ongoing settlement negotiations (off the record)
	Mr. Nelson and Mr. McSwane stated <b>DE 455 Soverain's Motion to Compel Supplemental Production from Defendants</b> , may eventually be agreed to. (ruling deferred)
	Mr. Nelson and Mr. McSwane stated <b>DE 457 Soverains' Rule 37 Motion for an Order Compelling Supplemental Disclosures from JC Penny and Rule 37( c ) Sanctions</b> , may eventually be agreed to (ruling deferred)
	Mr. Nelson and Mr. McSwane stated an agreement as to <b>DE 462 Defendants' Opposed Motion to Limit Number of Asserted Claims.</b> (DENIED AS MOOT)
	Mr. Nelson and Mr. McSwane briefly addressed pending <b>motions in limine DE 409, DE 411, and DE 470</b> (motions deferred to day of jury selection)
	Mr. Nelson withdrawing <b>DE 425 Soverain Software LLC's Motion to Strike Portions of the Supplemental Expert Reports of Andrew S. Cromarty and Arthur M. Keller.</b> (DENIED AS MOOT)

**DAVID J. MALAND, CLERK**

**FILED: 10.20.2011**

BY: *Lisa Hardwick* , Courtroom Deputy

PAGE 2 - Proceedings Continued

[illegible]